

Message Text

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ORIGIN EB-11

INFO OCT-01 ARA-11 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 SS-15 NSC-10 L-03 SSO-00

NSCE-00 INRE-00 /071 R

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7/3/73; EXT. 22654

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CAB - MR. LITTON

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FM SECSTATE WASHDC

TO AMEMBASSY BUENOS AIRES IMMEDIATE

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E. O. 11652: N/ A

TAGS: ETRN, AR

SUBJECT: CIVAIR - US- ARGENTINE ARRANGEMENT

REF: BUENOS AIRES 4686

1. DEPT SHARES EMBASSY' S CONCERNS AND GREATLY APPRECIATES ITS INITIATIVES IN ENDEAVORING TO OBTAIN GOA ADHERENCE TO TERMS OF UNDERSTANDING REACHED DECEMBER 1972.

2. WHILE WE UNDERSTAND THE REASONS THE GOA BELIEVES IT MAY NEED 30 DAYS IN WHICH TO REVIEW AND CARRY OUT ITS END OF THE BARGAIN, WE DO NOT WANT TO INDICATE THAT WE CONCUR OR ACCEPT THE INEVITABILITY OF SUCH DELAY. ACCORDINGLY BELIEVE BEST COURSE FOR US IS TO CONTINUE TO MAKE CLEAR WE INTEND TO LIVE UP TO OUR PART OF THE BARGAIN AND EXPECT GOA TO DO THE SAME. WE THEREFORE BELIEVE PREFERABLE THAT HEARING CONTINUE BEFORE CAB' S ADMINISTRATIVE LAW JUDGE (NOT A COURT BUT AN EVIDENTIARY PROCEEDING) AS SCHEDULED.

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AT REQUEST CARRIER, HEARING TODAY POSTPONED TO JULY 20. UNDER NORMAL PROCEDURES SEVERAL WEEKS USUALLY ELAPSE BEFORE ADMINISTRATIVE LAW JUDGE ISSUES RECOMMENDED ADVISORY OPINION, AND THEN CAB MUST MAKE DECISION, BASED ON FINDING OF COMITY AND RECIPROCITY WHICH IN TURN GOES TO WHITE HOUSE FOR APPROVAL PRIOR TO RELEASE. ENTIRE PROCESS CAN EASILY TAKE UP TO SIX MONTHS AND DEPT CAN STEP IN AT ANY TIME SHOULD IT APPEAR NECESSARY.

3. DEPT NOTES WITH INTEREST THAT COMMODORE WITTE REFERRED TO GOA ACTION IN CARRYING OUT PART OF BARGAIN BY ALLOWING CARRIERS TO OPERATE WITHOUT SEAT LIMITATIONS. THIS IS TRUE AND IN EFFECT ACKNOWLEDGES VALIDITY OF UNDERTAKINGS MADE BY BOTH GOVTS. WORTH NOTING, HOWEVER, THAT PAN AM HAS BEEN OPERATING " FLAG- STOP" CARGO FLIGHTS FOR SEVERAL YEARS AND THIS WAS NOT A RESULT OF THE UNDERSTANDING. RATHER MEMO OF UNDERSTANDING CALLED FOR REGULARIZATION THIS SERVICE, PLUS ONE ADDITIONAL SCHEDULED CARGO FREQUENCY.

4. BOTH CARRIERS REPORT THEIR REPS RECEIVED NOTES DNTAC JUNE 29 DIRECTING INTER ALIA A SPREAD OF NO LESS THAN 4 HOURS BETWEEN DEPARTURE PAN AM'S 204 AND BRANIFF'S 902 (BOTH B. A. NONSTOP TO N. Y.) FROM DEPARTURE AEROLINEAS SUNDAY FLIGHT WHICH IS B. A- MIAMI- NY.

5. ACTION REQUESTED: EMBASSY SHOULD TAKE POSITION WITH DNTAC THAT COMPLIANCE WITH THIS DIRECTIVE UNACCEPTABLE TO USA. WOULD CAUSE UNSATISFACTORY DEPARTURE TIMES OR ARRIVAL IN NEW YORK, RESULTING IN GREAT INCONVENIENCE TO PASSENGERS AND MAKING ON- GOING CONNECTIONS VERY DIFFICULT. AEROLINEAS HAS AT LEAST FIVE FLIGHTS DEPARTING NEW YORK OR MIAMI AT THE SAME TIME OR CLOSE TO DEPARTURE TIME PAN AM OR BRANIFF. INSISTENCE BY GOA ON FOUR HOUR SPREAD WILL OF NECESSITY REQUIRE USG TO CONSIDER RETALIATORY PROTECTIVE ACTION. ORDER ON PAN AM IS PARTICULARLY OUTRAGEOUS SINCE CARRIER HAS BEEN SCHEDULING NONSTOP BA- NY FLIGHT ON SUNDAY NIGHT AT APPROXIMATELY THE SAME TIME SINCE 1964. IT IS QUITE CLEAR THAT EFFORTS BY EITHER OR BOTH GOVTS TO CONTROL DEPARTURE OR ARRIVAL TIMES CANNOT BUT HAVE ADVERSE EFFECT ON PUBLIC AS WELL AS CARRIERS. FYI. CARRIERS INTEND TO LIMITED OFFICIAL USE

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RESIST DNTAC DEMAND ; HOWEVER, BRANIFF IS CONSIDERING POSSIBILITY OF SHIFTING ITS DEPARTURE TO ABOUT 20:30 WHICH WOULD PROVIDE THREE- HOUR SPREAD BUT EQUIPMENT SCHEDULING PROBLEMS AND TIME TABLE READJUSTMENTS WOULD MAKE EARLY ACTION DIFFICULT. END FYI. RUSH

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AIRLINES, AVIATION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 03 JUL 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: worrelsw
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE130566
Document Source: CORE
Document Unique ID: 00
Drafter: WBCOBB: DAP
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730764/aaaajwsu.tel
Line Count: 118
Locator: TEXT ON-LINE
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 73 BUENOS AIRES 4686
Review Action: RELEASED, APPROVED
Review Authority: worrelsw
Review Comment: n/a
Review Content Flags:
Review Date: 15 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15-Jan-2002 by martinjw>; APPROVED <27 FEB 2002 by worrelsw>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> gwr 980310
Subject: CIVAIR - US- ARGENTINE ARRANGEMENT
TAGS: ETRN, AR, ETRN
To: BUENOS AIRES
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005